

# **EXHIBIT A**

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Dear Chancellor Faigman,

We have reviewed your complaint against the city to address the encampments in the Tenderloin. While we support your call for the city to house and shelter those without housing during this pandemic, we are also concerned that the lawsuit may result in an increased criminalization of homelessness.

We are writing to ask that you sign a pledge to assure that the lawsuit will require the city to take action while adhering to the CDC guidelines in handling unsheltered homelessness during the COVID-19 pandemic, adhere to the US Interagency Council on Homelessness' recommendations in seeking alternatives to the criminalization of homelessness, and following the Obama Administration's Department of Justice's and Ninth Circuit's legal opinion regarding the *Martin vs. Boise* .

According to the [CDC's Interim Guidance on Unsheltered Homelessness and Coronavirus Disease 2019 \(COVID-19\) for Homeless Service Providers and Local Officials](#):

If individual housing options are not available, allow people who are living unsheltered or in encampments to remain where they are. Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread.

We therefore request that any settlement acknowledge that as long as the emergency orders are in place and/or social distancing is asked to be practiced by the general public that police never be used to relocate people against their will when individual housing units or comparable safe settings that are determined appropriate by the individual are not available.

Furthermore, the 2009 Congressional HEARTH Act charged the United States Interagency Council on Homelessness (USICH) with “develop[ing] alternatives to laws and policies that prohibit sleeping, eating, sitting, resting, or lying in public spaces when there are no suitable alternatives, result in the destruction of property belonging to people experiencing homelessness without due process, or are selectively enforced against people experiencing homelessness.” Therefore we ask you to also pledge that any negotiated settlement adhere to these [federal guidelines](#) as it pursues its strategy to relocate the residents of encampments from the streets of the Tenderloin.

Finally, we agree with the [Obama administration's Department of Justice statement of interest in \*Martin vs. Boise\*](#), that it is a form of cruel and unusual punishment and violation of a person's 8th

amendment rights to enforce laws against camping, sitting, and lying to those who are unhoused when no adequate shelter is available. We also understand that congregate settings are currently not considered a viable option due to individual medical risks and public health risks of COVID-19. Therefore, inline with the CDC guidelines already mentioned, we ask you to pledge that any negotiated settlement would require the city to provide adequate provisions for unhoused individuals to safely shelter-in-place through safe sleep areas, hotel rooms, apartments and/or other comparable individual self-contained units during this public health crisis before confiscating tents, issuing citations, move-along orders, or arrests be made to unhoused people camping or simply existing in public space while violating no other criminal laws.

In sum, we are asking you to sign the attached pledge that any negotiated settlement should not result in any police enforcement against people experiencing homelessness simply because they are homeless, especially considering the dire public health and individual health impacts such actions will have.

Sincerely,

Coalition on Homelessness, San Francisco  
St Anthony's Foundation  
Tenderloin Neighborhood Development Corporation  
Do no Harm  
Faith in Action  
Coalition On Homelessness  
Glide  
Developing Innovations in Supportive Housing  
Community Forward  
Homeless Emergency Service Provider Association  
ABD Productions/Skywatchers  
St. Frances Challenge  
Eviction Defense Collaborative  
Community Housing Partnership  
Faithful Fools  
Harm Reduction Treatment Center  
Swords to Plowshares  
Project Open Hand  
Care through Touch  
Gubbio  
Episcopal Community Services  
Hospitality House

Lava Mae  
SafeHouse  
Homeless Prenatal Program  
Dolores Street Community Services  
Larkin Street  
Project Homeless Connect

UC Hastings Pledge  
Protect the Human Rights of Unhoused Tenderloin Residents!

We, a group of Tenderloin Community Organizations urge you to sign this pledge:

- I. UC Hastings will not sign a settlement agreement or advocate for a legal outcome that negatively impacts or criminalizes unhoused TL residents based on their economic status.
- II. UC Hastings will respect the self determination of unhoused TL residents in legal proceedings.
- III. UC Hastings will respect the CDC recommendations regarding tent encampments in the legal proceedings meaning if individual housing options are not available, allow people who are living unsheltered or in encampments to remain where they are.
- IV. UC Hastings will ensure legal proceedings are in compliance with Martin vs. Boise and the United States Interagency Council on Homelessness (USICH) guidelines on encampments , and ensure that encampments are only relocated when healthy and safe alternatives exist, preferably into permanent housing, or temporary accommodations that lead to permanent housing.
- V. UC Hastings will promise to work hard during legal proceedings to ensure that the illegal property confiscation is not the result of the lawsuit.

I Pledge to honor the above principles

\_\_\_\_\_  
David Faigman

\_\_\_\_\_  
Date